



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	10/814,375
Applicant	Valery M. Dubin
Filed	03/30/2004
TC/ A/U.	2811
Examiner	Shouxiang Hu
Attorney Docket No.	110348-135102
Customer No.	0031817

CERTIFICATE OF TRANSMISSION/MAILING

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Commissioner for Patents
PO Box 1450
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ELECTION UNDER 35 U.S.C. 121

Dear Examiner:

This communication is in response to the election requirement set forth in the Office Action mailed January 3, 2006. In the Office Action, Examiner required a restriction to either Group I, claims 20-30, drawn to a product, or Group II, claims 1-19, drawn to a method. In response, Applicant hereby elect to prosecute Group II, claims 1-19, without traverse.

The Examiner further required Applicant to make an election of one of Species 1 (Fig. 2), Species 2 (Fig. 3), Species 3 (Fig. 4), or Species 4 (Fig. 5), and further states that there is no generic claim. Applicant respectfully traverses Examiner's assertion that no claim currently is generic to the listed species. Claim 1, for example, claims a method of fabricating an integrated circuit comprising forming or providing a solution containing carbon nanotubes and forming a metal layer utilizing the solution, but claim 1 does not specify how the metal layer is formed. Therefore, claim 1 reads on the species represented by the embodiments of Figures 2-5 which are directed to methods of fabricating an integrated circuit using various methods to form the metal

layers. Thus, Applicant respectfully submits that claim restriction between Species 1, 2, 3, and 4 is improper and requests removal of such restriction.

Notwithstanding Applicant's disagreement as to the propriety of an election of species requirement, in order to provide a proper response the Applicant provisionally elects Species 1, embodiment of Figure 2 (claims 1-12 and 18-19), with traverse, if no generic claim is finally held to be allowable.

The Commissioner is hereby authorized to charge shortages or credit overpayments to Deposit Account No. 500393.

Respectfully submitted,

SCHWABE, WILLIAMSON & WYATT, P.C.

Dated: 1-30-06

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